



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/851,867 | 05/09/2001 | Hikmet Senay | 36287-01500 | 4958 |

7590

09/10/2004

David H. Hwang, Esq.
Milbank, Tweed, Hadley & McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005-1413

| |
|----------|
| EXAMINER |
|----------|

MUHEBBULLAH, SAJEDA

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2174

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/851,867 | Applicant(s) SENAY, HIKMET | |
| | Examiner Sajeda Muhebbullah | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 5/24/2004.
2. Claims 1-18 are pending in this application. Claims 1, 5, 9, 13, and 16 are independent claims. In the Amendment, claims 1, 2, 5, 8-9, 13, and 15-16 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-5, 7-9, 11-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Besaw et al. ("Besaw", US 5,276,789).

As per independent claim 1, Besaw teaches a method for graphically representing interactions between units of individuals within an organization, which comprises:

providing a graphical object corresponding to each unit of individuals (Besaw, Figs. 2-5; cot. 5, lines 26-33; cot. 5, lines 51-56);

positioning said graphical objects to correspond to the relative positions of the units of individuals within the organizational hierarchy (Besaw, Fig. 2; tot. 5, lines 26-33);

varying graphical properties of said graphical objects to correspond to preselected attributes of the units of individuals (Besaw, Figs. 2-5; cot. 5, lines 38-44); and

displaying on a display screen said graphical objects and interactions between the units of individuals represented by said graphical objects (Besaw, Figs. 2-5).

Said preselected attributes include the type of segment or connection, i.e. cluster, gateway, hub, node, or interconnection.

Independent claim 5 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Besaw teaches the method wherein said preselected attributes of the units includes degree of interactions of individuals members constituting each unit (Besaw, Figs. 2-5). In the invention of Besaw, there are two degrees of interaction: a connection between two network devices, or no connection between two network devices.

As per claim 4, which is dependent on claim 1, Besaw teaches the method which further comprises providing for user selection of a portion of said display screen such that only those graphical objects within said user selected portion of said display screen are displayed (Besaw, Fig. 4; col. 6, lines 32-40).

Dependent claims 7 and 11 are similar in scope to claim 4, and are therefore rejected under similar rationale.

As per claim 8, Besaw teaches the method which further comprises allowing for user selection of one of said other related units such that interactions between individual members of said selected unit is graphically represented (Besaw, Fig. 4; col. 6, lines 32-40).

As per independent claim 9, Besaw teaches a method for graphically representing interactions between an individual member and other members within an organization, which comprises:

providing graphical objects corresponding to the interacting individual members (Besaw, Figs. 2-5; col. 5, lines 26-33; col. 5, lines 51-56);

varying graphical properties of said graphical objects to correspond to preselected attributes of the individual members (Besaw, Figs. 2-5; col. 5, lines 38-44);

displaying on a display screen said graphical objects (Besaw, col. 3, lines 52-68); and
displaying on said display screen direct interactions between the individual members and indirect interactions between the individual members to a preselected depth level (Besaw, Figs. 25).

As per claim 12, Besaw teaches the method wherein said preselected depth level may be user selected (Besaw, col. 6, lines 22-40).

As per independent claim 13, Besaw teaches a method for graphically representing interactions between hypothetical units of individuals within an organization, which comprises:

forming the hypothetical units of individuals based on analysis of interaction data between members of actual units within the organization (Besaw, Figs. 2-4; col. 5, lines 26-33);

providing a graphical object corresponding to each hypothetical unit of individuals (Besaw, Figs. 2-4);

varying graphical properties of said graphical objects to correspond to preselected attributes of the hypothetical units of individuals (Besaw, Figs. 2-5; col. 5, lines 38-44); and

displaying on a display screen said graphical objects and interactions between the hypothetical units of individuals represented by said graphical objects (Besaw, Figs. 2-5, col. 3, lines 52-68).

In the invention of Besaw, the hypothetical unit is embodied by a cluster of network objects.

As per independent claim 16, Besaw teaches a method for graphically representing interactions between individual members of units within an organization, which comprises:

providing graphical objects corresponding to the individual members (Besaw, Figs. 2-5; col. 5, lines 26-33; col. 5, lines 51-56);

positioning said graphical objects such that the individual members of each unit are clustered together (Besaw, Fig. 2; col. 5, lines 26-33);

varying graphical properties of said graphical objects based on connectivity and diversity measures of the corresponding individual members (Besaw, Figs. 2-5; col. 5, lines 38-44); and

displaying on a display screen said graphical objects (Besaw, Figs. 2-5, col. 3, lines 52-68).

In the invention of Besaw, the diversity measures are embodied by the display node type as well as the number of connections it has to other display nodes.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, 10, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw in view of Bereiter ("Bereiter", US 5,909,217).

As per claim 3, Besaw fails to teach the method, wherein said graphical properties of said graphical objects varied includes size of said graphical objects and color of said graphical objects. However, Bereiter teaches a map that shows a network of nodes displayed individually as contiguous pixels which are grouped into variable size regions or groups (Bereiter, col. 4, lines 10-18). Bereiter further teaches color to denote different properties of specific nodes or workstations (Bereiter, col. 4, lines 55-65).

It would have been obvious to one skilled in the art at the time of invention to include the variable size and color system of Bereiter in the visual network mapping system of Besaw because it would provide more readily available visual feedback to the user.

Dependent claims 6, 10, 14, and 17 are similar in scope to claim 3, and are therefore rejected under similar rationale.

As per claim 15, Besaw further teaches the method wherein each said graphical object displays the actual units within the organization whose members form the corresponding hypothetical unit of individuals (Besaw, Figs. 3-4; col. 6, lines 22-40).

As per claim 18, the invention of Besaw and Bereiter teaches the use of size and color to denote attributes of objects in the network map. Besaw and Bereiter fail to teach size being based on the connectivity measure and color being based on the diversity measure. OFFICIAL NOTICE is given that the use of size and shape of on screen objects to denote specific attributes is well known in the art. It would have been obvious to one skilled in the art at the time of invention to use the size and shape of an on screen object to denote specific attributes because it would provide the user with immediate visual feedback.

Response to Arguments

7. Applicant's arguments filed 5/24/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Besaw does not disclose graphical representations of interactions between individuals because a computer network topology is fundamentally different than interactions between individuals, units of individuals or hypothetical units of individuals.

The Examiner disagrees for the following reasons:

(a) It is unclear how Applicant's adding of the word "individual" would change the meaning of the claim for allowability. Besaw clearly teaches the graphical representation of interactions between individual units (i.e. units of individuals) within an organization. In addition it is inherently clear that each unit is operated by an individual.

Art Unit: 2174

Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(703) 305-0720** (*note after Oct. 20th number will be changed to (571)272-4065*). The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640 (*note after Oct. 20th number will be changed to (571)272-4063*).

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
September 1, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100